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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 26, 2008 Tuesday, 9:43 A.M.

The City Council met in regular session with Mayor Brewer in the Chair. Council Members Fearey, Gray, Longwell, Schlapp; Skelton, and Williams present.

Ed Flentje, Interim City Manager; Gary Rebenstorf, Director of Law; Janis Edwards Deputy City Clerk, present.

The Minutes of the regular meeting of February 12, 2008 approved 7 to 0.

CONSENT AGENDA

Motion--

--carried

Brewer moved that Consent Agenda items 1-22h be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

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REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 25, 2008

Bids were opened February 15 and February 22, 2008, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications (Exhibit Attached).

Paving Driftwood from the east line of Lot 52, Block D, west to the west line of Cimarron; Driftwood from the west line of Cimarron, west to the west line of Lot 1, Block A; Cimarron from the south line of 45th Street North, south to the north line of Kollmeyer; Kollmeyer from the east line of Lot 82, Block A, west to the west line of Ridge Port; Ridge Port from the north line of Kollmeyer, north to the north line of Lot 28, Block A; Kollmeyer Court (Lots 37 through 42, Block B) from the north line of Kollmeyer, north to and including the cul-de-sac; Kollmeyer Court (Lots 31 through 39, Block C) from the north line of Kollmeyer north to and including the cul-de-sac; Kollmeyer Court (Lots 36 through 46, Block A) from the south line of Kollmeyer, south to and including the cul-de-sac; Kollmeyer Court (Lots 47 through 56, Block A) from the south line of Kollmeyer south to and including the cul-de-sac; Kollmeyer Court (Lots 63 through 82, Block A) from the south line of Kollmeyer, south to and including the cul-de-sac; Driftwood Court (Lots 52 through 62, Block D) from the north line of Driftwood, north to and including the cul-de-sac; Sidewalk on Driftwood, Cimarron, Ridge Port and Kollmeyer to serve Edge Water Addition (south of 45th Street North, west of Hoover) (472-84582/766176/490194) Does not affect existing traffic. (District VI)

Lafarge North America - \$978,027.16

2006-2007 Traffic Signalization, Phase III: Traffic Signalization and Left Turn Lane at the Intersection of Hoover and MacArthur (472-84424b/706956/206422) See Special Provisions. (District IV)

APAC Kansas, Inc. - \$284,818.00

2008 Sanitary Sewer Reconstruction, Phase 2 (various locations north of Kellogg, east of Broadway) (468-84483/620501/668620) Traffic to be maintained during construction using flagpersons and barricades. (District I, II)

WB Carter Construction - \$131,131.00

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Paving Ridgehurst from the south line of the plat, north to the south line of Graystone and sidewalk on one side of Ridgehurst to serve Stonebridge 2nd Addition (north of 13th Street North, west of 159th Street East) (472-84594/766164/490182) Does not affect existing traffic. (District II); Graystone from the north line of Lot 4, Block D, south and east to the east line of Lot 19, Block F; Terhune from the west line of Lot 18, Block F, east and north to the north line of Lot 9, Block E; Ridgehurst from the north line of Graystone, north to the north line of Lot 5, Block E; Ridgehurst Court from the west line of Ridgehurst west, south and east to and including the cul-de-sac; Sidewalk on one side of Graystone, Terhune and Ridgehurst to serve Stonebridge 2nd Addition (north of 13th Street North, west of 159th Street East) (472-84591/766165/490183) Does not affect existing traffic. (District II)

Lafarge North America - \$112,942.25 Group 1

- \$343,695.85 Group 2
- \$456,638.10 Total Aggregate Bid

Lateral 56 Cowskin Interceptor Sewer to serve The Woods Addition (north of Maple, east of 151st Street West) (468-84129/744268/480957) Does not affect existing traffic. (District V)

Duling Construction - \$177,112.00 Group 1

- \$ 35,291.00 Group 2
- \$ 29,837.00 Group 3

\$292,752.50 Total Aggregate bid

Lateral 47 Cowskin Interceptor Sewer to serve Southern Ridge 3rd Addition (south of Pawnee, west of Maize) (468-83967/744269/480958) Does not affect existing traffic. (District IV); Water Distribution System to serve Southern Ridge 3rd & 4th Additions (south of Pawnee, west of Maize) (448-90148/735402/470075) Does not affect existing traffic. (District IV); Water Distribution System to serve Southern Ridge 4th Addition (south of Pawnee, west of Maize) (448-90147/735401/470074) Does not affect existing traffic. (District IV)

Duling Construction - \$242,240.00

Storm Water Drain #338 to serve Monarch Landing 2nd Addition (north of 21st Street north, west of 159th Street East) (468-84434/751464/485355) Does not affect existing traffic. (District II)

Mies Construction - \$512,836.25

Storm Water Sewer #624 to serve Mesa Verde Addition (south of 37th Street North, east of Meridian) (468-84285/751458/485349) Does not affect existing traffic. (District VI)

Nowak Construction - \$66,996.00

The Purchasing Manager recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

On motion the Board recommended that the contracts be awarded as outlined above, subject to check, same being the lowest and best bids within the Engineer's construction estimate.

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PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Controllers and Conflict Monitors

Gades Sales - \$311,250.00 Group 1

- \$ 66,150.00 Group 2

\$377,400.00 Total Aggregate Bid

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: 58,000 GVWR Dump Trucks

Roberts Truck Center - \$388,745.00 Base Bid

- \$0.00 Included Option 1
- \$ 632.00 Option 2
- \$ 0.00 Included Option 3
- \$ 768.00 Option 4
- \$ 36,354.00 Option 5
- \$ (50,000.00)Option 7 (Deduct)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: 15,000 lb Motor Grader/Front Scarifier

Sellers Equipment Inc. - \$108,550.00 Base Bid

- \$ 545.00 Option 1
- \$(33,500.00) Option 2 DeducT PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Ice Control Chemical 800 (55 lb bags) @ \$44.15 each, \$33,520.00 plus \$1,800.00 for freight

Cryotech Deicing Technology - \$35,320.00 *

- *Purchasing Ordinance No. 35-856 Section 2.64.020 (b)
- Sole Source of Supply

PUBLIC WORKS DEPARTMENT/FLEET DIVISION: 20 each LFL Liberty Lightbars

OMB Police Supply - \$29,000.00 (State of Kansas Contract #08156)*

*Purchases utilizing Government Entities Contracts, Cooperative Contracts and Agreements - Ordinance No. 38-122 Section 2.64.020 (j).

The Purchasing Division recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

On motion the Board recommended that the contracts be awarded as outlined above, same being the lowest and best bid.

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Motion----carried Brewer moved that the report be received and filed; the contracts approved; and the necessary signatures authorized. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renev	<u>val</u>	<u>2008</u>	(Consumption off Premises)
Mark	Branham	Quik Trip #315	1500 South Maize Road
Mark Branham		Quik Trip #396	324 South West
		_	
Renev	<u>val</u>	<u>2008</u>	(Consumption off Premises)
Steph	en Diehl	Dillon Store #12	9450 East Harry
Steph	en Diehl	Dillon Store #16	8828 West 13 th Street North
Steph	en Diehl	Dillon Store #21	5500 East Harry
Steph	en Diehl	Dillon Store #31	1640 South Broadway
Steph	en Diehl	Dillon Store #33	4747 South Broadway
Steph	en Diehl	Dillon Store #34	3932 West 13 th
Steph	en Diehl	Dillon Store #35	6297 East 13 th Street North
Steph	en Diehl	Dillon Store #49	10222 West 21st North
Steph	en Diehl	Dillon Store #56	3707 North Woodlawn
Steph	en Diehl	Dillon Store #65	3211 South Seneca
Steph	en Diehl	Dillon Store #66	2244 North Rock Road
Steph	en Diehl	Dillon Store #72	10515 West Central
Steph	en Diehl	Dillon Store #249	2212 North Maize Road
Mai H	Iujnh Vo	T & T Discount Cigarette	3448 West Douglas Avenue
New (<u>Operator</u>	<u>2008</u>	(Consumption on Premises)
Jorge	I Romero	Angela's*	2119 West 21 st

^{*}General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion----carried Brewer moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PRELIM ESTS

PRELIMINARY ESTIMATES:

- a. Veranda from the north line of 13th Street North to 446 feet north of the north line of 13th Street
 North to serve Waterfront Residential, Waterfront 6th and Greenwich Office Park Additions (north
 of 13th Street North, west of Greenwich) (472-84598/766181/490199) Does not affect existing
 traffic. (District II) \$491,000.00
- Berkeley Square Parkway from the west line of Lot 1, Block 1, to the east line of Lot 3, Block 1 to serve Greenwich Office Park Addition (north of 13th Street North, west of Greenwich) (472-84644/766189/490207) Does not affect existing traffic. (District II) \$302,000.00
- c. Storm Water Drain #334 to serve Waterfront Residential and Greenwich Office Park Additions (north of 13th Street North, west of Greenwich) (468-84409/751460/485351) Does not affect existing traffic. (District II) \$325,000.00
- d. Storm Water Drain #335 to serve Waterfront Residential and Greenwich Office Park Additions (north of 13th Street North, west of Greenwich) (468-84410/751461/485352) Does not affect existing traffic. (District II) \$118,500.00

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e. 2008 Condemned Sidewalk and Wheelchair Ramps (north of 63rd Street South, east of 151st Street West) (472-84658/132100/) Traffic to be maintained during construction using flagpersons and barricades). (District I,II,III,IV,V,VI) - \$163,360.00

Motion--carried

Brewer moved that the file be received. Motion carried 7 to 0.

PETITION

CONSTRUCT A WATER DISTRIBUTION SYSTEM FOR NORTHGATE COMMERCIAL PARK 1ST AND JOHNSON COMMERCIAL CENTRE ADDITIONS, ALONG 53RD STREET NORTH, WEST OF MERIDIAN. (DISTRICT VI)

Agenda Item No. 4a.

On February 27, 2007, the City Council approved a Petition to construct a water distribution system for Northgate Commercial Park 1st Addition. The developers have submitted a new Petition with a revised assessment district to reflect recent platting activity. The signatures on the new Petition represent 100% of the improvement district.

The project will serve new commercial developments located along 53rd St. North, west of Meridian.

The existing Project budget is unchanged.

This project will address the Efficient Infrastructure goal by providing water service to new commercial developments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion----carried Brewer moved that the new Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 08-092

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90281 (along 53rd St. north, west of Meridian), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

PETITION

WATER DISTRIBUTION SYSTEM TO SERVE PART OF AIRPORT INDUSTRIAL ADDITION, EAST OF RIDGE, SOUTH OF KELLOGG. (DISTRICT V)

Agenda Item No. 4b.

The Petition has been signed by one owner representing 100% of the improvement district.

The project will provide water service for a commercial lot located east of Ridge, south of Kellogg.

The Petition totals \$35,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by providing a water distribution system for a commercial lot.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion----carried

Brewer moved that the Petition be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 08-093

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90362 (east of Ridge, south of Kellogg), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

DEEDS/ESMNTS <u>DEEDS AND EASEMENTS</u>:

Sanitary Sewer Easement dated January 23, 2008 from Socora Village Company a Kansas Corporation for a tract of land lying in Lot 26, Block 7, Evergreen, an addition to Wichita, Sedgwick County, Kansas, (OCA # 607861). No Cost to City

Utility Easement dated January 17, 2008 for a tract of land lying in Lot 1, Block 1, The Broad Street Addition to Sedgwick County, Kansas, (OCA # 607861). No Cost to City

Utility Easement dated January 30, 2008 from Development Partnership for tracts of land lying in Lots 6, 7, 8 and 9, Block 4, Southwest Passage Addition, Wichita, Sedgwick County, Kansas, and (OCA # 607861). No Cost to City

Utility Easement dated February 4, 2008 from Carol J Wood and Rebecca K. Crawford, for a tract of lying in Lot 2, Block E, West Central Gardens Third Addition, Sedgwick County, Kansas (OCA # 744200). No Cost to City

Utility Easement dated February 4, 2008 from Marvin R. Stang and Mary J. Stang, for a tract of lying in Lot 1, Avery Addition, Sedgwick County, Kansas (OCA # 744200). No Cost to City Sanitary Sewer Easement dated February 26, 2008 from City of Wichita, Kansas, a municipal corporation for a tract of land lying in Lot 1, Davis-Moore Addition, Sedgwick County, Kansas (OCA # 624078). No cost to City

Motion--carried

Brewer moved that the documents be accepted. Motion carried 7 to 0.

STREET CLOSURE WEST STREET SOUTH OF PAWNEE. (DISTRICT IV)

Agenda Item No. 6a.

The Kansas and Oklahoma Railroad (K&O) has scheduled the reconstruction of their crossing of West St. in South Wichita. The railroad is requesting a three to four day closure at their mainline crossing at West St., west of Pawnee. The closure will allow the complete removal of the existing crossing and pavement near the crossing if necessary, the installation of new track panels and ballast, the installation of concrete crossing material and the replacement of the street approach pavement if necessary. Pending acceptable weather conditions, work is scheduled from Tuesday, February 26th through Friday, February 29th.

The K&O railroad is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the West St. closure traffic will be detoured as follows:

Southbound West St. traffic will be detoured east on Pawnee to Meridian, then south to 31st St. South and then west to West St.

Northbound West St. traffic will be detoured east on 31st St. South to Meridian, then north to Pawnee and then west to West St.

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This project addresses the Efficient Infrastructure goal by maintaining safe and dependable transportation systems.

Motion--carried Brewer moved that the street closure be approved. Motion carried 7 to 0.

MIDTOWN BIKE

STAKING AND CONSTRUCTION ENGINEERING FOR MIDTOWN BIKE PATH. (DISTRICT VI)-SUPPLEMENTAL

Agenda Item No. 7a.

On May 4, 2004, the City entered into an Agreement with Ruggles & Bohm, P.A. to design a bike path along the abandoned Union Pacific Railway Corridor in Midtown. The Design Agreement with Ruggles & Bohm requires Ruggles & Bohm to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Ruggles & Bohm provides for construction engineering and staking the bike path. Due to the current workload created by previous projects, City crews are not available to perform the constructing engineering and staking for this project.

Payment to Ruggles & Bohm for this Supplemental Agreement will be made on a lump sum basis of \$75,500, and will be paid by General Obligation bonds.

This project addresses the Efficient Infrastructure and Quality of Life goals by constructing a bike path through the Midtown Area.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion----carried Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

SOUTHWEST PASS.

STAKING IN SOUTHWEST PASSAGE ADDITION, SOUTH OF PAWNEE, WEST OF 119TH STREET WEST. (DISTRICT IV)-SUPPLEMENTAL.

Agenda Item No. 7b.

The City Council approved the paving improvements in Southwest Passage Addition on January 9, 2007. On January 8, 2008 the City approved an Agreement with Ruggles & Bohm, P.A. to design the improvements. The Design Agreement with Ruggles & Bohm requires Ruggles & Bohm to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and Ruggles & Bohm provides for staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

Payment to Ruggles & Bohm will be on a lump sum basis of \$17,000 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering services needed for the construction of paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion----carried Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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DOUGLAS/HILLSIDE AMENDMENT OF DEVELOPMENT AGREEMENT - DOUGLAS AND HILLSIDE REDEVELOPMENT DISTRICT. (DISTRICT II)

Agenda Item No. 7c.

On January 15, 2008, the City Council adopted an ordinance adopting a first amendment to the Project Plan for the development of the Parkstone at College Hill mixed-use development, located in the Douglas and Hillside Redevelopment District in east Wichita. The project plan amendment increased the size of the TIF Project Area to allow the acquisition of additional land in the district, using tax increment financing ("TIF"). The amendment also increased the dollar amount of eligible project costs that could be funded with TIF proceeds and amended the financial feasibility study to reflect the higher amount of TIF. In order to proceed with the acquisition of additional land and other approved changes to the scope of the project, a conforming amendment to the Development Agreement is needed.

The Amendment to the Development Agreement authorizes the City to acquire three additional properties within the redevelopment district, which are identified in Exhibit A to the amendment. The Developer plans to incorporate the additional property into the planned development, which together with other changes will significantly increase the scope of the project, including the number of residential condominium units, Brownstones, and retail space.

The additional property and change in design have increased the TIF-eligible development costs by \$1,180,000. The cost increases are in property acquisition, demolition, landscaping, park area, public art, street lighting and public parking lots. A new list of TIF-eligible costs is attached to the Amendment to the development Agreement as Exhibit B.

The amendments to the Development Agreement include changes to conform to the new project costs and dates for construction. The new Project Site Plan is included as Exhibit C, and a new debt service schedule for TIF bonds is included as Exhibit D. All other provisions of the original Development Agreement remain unchanged.

The TIF-bond financing structure calls for the issuance of general obligation bonds in the amount of \$6,270,000, which are paid by TIF revenues generated by the property within the TIF district. The increased TIF revenue generated by the larger project will be sufficient to support the increased amount of TIF bonds.

Economic Vitality and Affordable Living, Quality of Life, Core Area and Neighborhood. Redevelopment of blighted and declining areas are needed to avoid economic stagnation. Business prospects and workers seeking to relocate are attracted to a new city that takes care of its older sections.

The Amendment to the Development Agreement has been approved as to form by the Law Department.

Motion----carried Brewer moved that the Amendment to the Development Agreement for the Douglas and Hillside Redevelopment District be approved and the necessary signatures authorized. Motion carried 7 to 0.

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LEGACY 3RD ADD.

STAKING IN LEGACY THIRD ADDITION, NORTH OF 47TH STREET SOUTH, WEST OF MERIDIAN. (DISTRICT IV)-SUPPLEMENTAL

Agenda Item No. 7d.

On September 11, 2007, the City Council approved a Supplemental Agreement with Ruggles & Bohm, P.A. for construction staking and inspection for the storm water drain in Legacy 3rd Addition. The fee was for \$22,100. Ruggles & Bohm are requesting an additional fee because of necessary revisions and additional work.

Supplemental Agreement No. 2 has been prepared for the cost of the additional staking. Funding is available within the project budget.

The total cost of the additional work is \$12,329 and will be paid by special assessments.

This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering services needed for the construction of drainage improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion----carried Brewer moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

AGREEMENT

AGREEMENT FOR A SPORT COURT LOCATED AT 1725-1737 NORTH GATEWOOD, SOUTH OF 21ST STREET, EAST OF ROCK ROAD. (DISTRICT II)

Agenda Item No. 7e.

An Agreement has been prepared to formally permit homeowners of 1725-1737 North Gatewood to occupy and construct improvements on, over, and across a platted utility easement described as being located in Lot 25, Block 1, Country Place Estates, Wichita, Sedgwick County, Kansas and waives all rights of action in law arising out of the encroachment into the platted utility easement. The improvement is a sport court.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cavein or failure of said drainage structures lying within the utility easement and from claims from replacement or upgrade of drainage structures.

No cost to City.

This project addresses the Efficient Infrastructure goal by providing for improvements desirable to new residential development.

The Law Department has approved the Agreement as to form.

Motion----carried Brewer moved that the Agreement be approved and the Mayor authorized to sign. Motion carried 7 to 0.

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OFFICE PARK

GREENWICH OFFICE PARK AND WATERFRONT RESIDENTIAL ADDITIONS, NORTH OF 13TH STREET, EAST OF WEBB. (DISTRICT II)

Agenda Item No. 8a.

The City Council approved the paving improvements in Greenwich Office Park & Waterfront Residential Additions on January 8, 2008.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements consisting of paving in Greenwich Office Park & Waterfront Residential Additions. Per Administrative Regulation 1.10, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$36,200 and will be paid by special assessments.

This Agreement addresses the Efficient Infrastructure goal by providing the engineering design services needed for the construction of paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

The Agreement has been approved as to form by the Law Department.

Motion----carried Brewer moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROP. AQUISITION

PARTIAL ACQUISITION OF VACANT LAND AT THE SOUTHEAST CORNER OF WEST 45TH STREET NORTH AND HOOVER ROAD FOR THE EDGEWATER WATER PROJECT. (DISTRICT VI)

Agenda Item No. 9a.

On August 7, 2007, City Council approved the petition and adopted a resolution authorizing construction of the Edgewater Water Distribution System along Hoover, West 37th Street North. The project requires the acquisition of three, twenty-foot wide permanent easements along Hoover. This particular property is city-owned and is the most western portion of Kingsbury. The subject site is vacant and consists of 128-acres. The proposed easement will run along the western edge of this part of the Kingsbury site.

The proposed easement is twenty feet wide and consists of 41,451.9 square feet, or .95-acres. The proposed utility will be a subsurface water line. As this property is part of the Kingsbury site, we have verified with City staff that the proposed water line does not adversely impact the existing gas line, planted tree buffer or any proposed uses known at this time. The site will be restored upon completion of the project.

There is no cost to the City.

Granting this easement assists in providing efficient infrastructure and supporting core neighborhoods.

The Law Department has approved the easements as to form.

Motion----carried Brewer moved that the easement be approved and all necessary signatures be authorized. Motion carried 7 to 0.

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PROP. ACQUIS.

ACQUISITION OF PERMANENT EASEMENT IN THE 9800 BLOCK OF EAST ORME FOR THE EAST KELLOGG SANITARY SEWER MODIFICATION PROJECT. (DISTRICT II)

Agenda Item No. 9b.

On January 25, 2000, City Council approved the funding and installation of a new sewer line to serve businesses on East Kellogg east of Eastern Street. The sewer lines that currently serve these businesses will be eliminated when Kellogg is improved of Eastern. To accomplish this, it is necessary to acquire sanitary sewer easements across several private ownerships. This particular acquisition is from a vacant industrially zoned tract located in the 9800 Block of East Orme.

A 10-foot easement consisting of 1,200 square feet and associated temporary construction easements are required. The owner has agreed to accept \$3,000.

\$3,400 is the requested budget for the acquisition. \$3,000 towards the purchase price and \$300 for recording fees. The funding source is future revenue bonds and/or Water Utility cash reserves.

The acquisition of this parcel is necessary to ensure efficient infrastructure and provide reliable, compliant and secure utilities.

The Law Department has approved the easement as to form.

Motion----carried Brewer moved that the budget expenditure be approved and the necessary signatures authorized. Motion carried 7 to 0.

BOARDS/COMMISS. MINUTES OF ADVISORY BOARDS/COMMISSIONS, FEBRUARY 26, 2008.

District I Advisory Board, January 7, 2008 District II Advisory Board, January 9, 2008 District IV Advisory Board, January 7, 2008 Code of Standards and Appeals, January 7, 2008

Refrigeration, Air Conditioning, Warm Air Heating and Boilers Board of Appeals, December 20, 2007

Motion--carried Brewer moved that the file be received. Motion carried 7 to 0.

CLAIMS REPORT ON CLAIMS ALLOWED FOR JANUARY 2008:

Name of Claimant	Amount
Acquilla, Inc.	\$ 5,683.19
Dickerson, Jack	\$ 137.78
Gurrola, Crystal	\$ 346.00
Kansas Dept. of Transportation	\$ 118.59
Loehr, Ralph	\$ 2,425.39
Smith, Mary	\$20,000.00**

^{**}Settled for lesser amount than claimed

Motion--carried Brewer moved that the file be received. Motion carried 7 to 0.

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UNSAFE STRUC. REPAIR OR REMOVAL OF DANGEROUS & UNSAFE STRUCTURES. (DISTRICT I, III, IV, AND VI)

Agenda Item No. 12.

On February 4, 2008, the Board of Code Standards and Appeals held hearings on thirteen of the fourteen residential properties listed below (items a. through m.). The Board of Code Standards and Appeals conducted a hearing on the fourteenth property (item n. below) on December 3, 2007. The buildings on all fourteen properties are considered dangerous and unsafe structures per State statutes and local ordinances, and are being presented in order to schedule a condemnation hearing before the City Council. The Board of Code Standards and Appeals has recommended that the City Council proceed with condemnation, demolition and removal of the dangerous buildings on all fourteen properties.

Minimum Housing Code violation notices have been issued on these structures; however, compliance has not been achieved. Pre-condemnation and formal condemnation letters have also been issued, and the time granted for repair or removal has expired. No actions have been taken by the property owners and/or other interested parties to repair or remove these dangerous buildings.

Property Address	Council District
a. 620 North Cleveland	I
b. 945 North Wabash	I
c. 1806 East 12th Street North	I
d. 1701 North Grove	I
e. 2701 East Mossman	I
f. 2606 East 15th Street North	I
g. 1615 North Oliver	I
h. 2601 North Spruce	I
i. 158 North Poplar	I
j. 1735 South Main	III
k. 711 East Harry	III
1. 1334 South Bluffview	III
m. 839 West 55th Street South	IV
n. 2394 N. Hood	VI

Structures condemned as dangerous buildings are demolished with funds from the Office of Central Inspection Special Revenue Fund contractual services budget, as approved annually by the City Council. This budget is supplemented by an annual allocation of federal Community Development Block Grant funds for demolition of structures located within the designated Neighborhood Reinvestment Area. Expenditures for dangerous building condemnation and demolition activities are tracked to ensure that City Council Resolution No. R-95-560, which limits OCI expenditures for non-revenue producing condemnation and housing code enforcement activities to 20% of OCI's total annual budgeted Special Revenue Fund expenditures, is followed. Owners of condemned structures demolished by the City are billed for the contractual costs of demolition, plus an additional \$500 administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property, which may be collected upon subsequent sale or transfer of the property.

On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Dangerous building condemnation actions, including demolitions, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

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This structure have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause it to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

--carried

Brewer moved that the resolutions to schedule a hearing and place this matter on the agenda for a Hearing before the Governing Body on April 8, 2008 at 9:30 a.m. or as soon as possible thereafter be adopted. Motion carried 7 to 0.

RESOLUTION NO. 08-094

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 6 and 7, Cleveland Avenue, Shirks Addition, Wichita, Sedgwick County, Kansas, known as 620 N. Cleveland, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-095

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 and 3, on Wabash Avenue, Moores Addition, Wichita, Sedgwick County, Kansas, known as 945 N. Wabash, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-096

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: The East 50 feet of Lot 53, 54, 55 and 56, on Kansas Avenue, Rosenthals 2nd Addition, Wichita, Sedgwick County, Kansas, known as 1806 E. 12th Street North, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-097

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 39, 41, 43 and 45, on Tyler, now grove Avenue, Logan Addition, Wichita, Sedgwick County, Kansas, known as 1701 N. Grove, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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RESOLUTION NO. 08-098

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as:, Wichita, Sedgwick County, Kansas, known as 2701 E. Mossman, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-099

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the West 74 feet of Lots 2, 4, 6 and 8 on Schiller Avenue, now Green Street, Fairmount Orchard Addition, Wichita, Sedgwick County, Kansas, known as 2606 E. 15th Street North, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-100

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 3, Block 2, Ken Mar Addition, Wichita, Sedgwick County, Kansas, known as 1615 N. Oliver, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-101

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 20, Block 4, Ridgecrest Addition, Wichita, Sedgwick County, Kansas, known as 2601 N. Spruce, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-102

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 1 and the north half of Lot 3, Poplar Avenue, Oliver's Subdivision of Block 5, Chautauqua Addition, Sedgwick County, known as 158 N. Poplar, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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RESOLUTION NO. 08-103

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 78 and 89, on Main Street, English's Sixth Addition, Wichita, Sedgwick County, Kansas, known as 1735 S. Main, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-104

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 6, Harry Street Subdivision of Lot 2 and 4, Block 4, Allen and Smith's Addition, Wichita, Sedgwick County, Kansas, known as 711 E. Harry, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-105

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 3, Block G, Hilltop Manor Subdivision, a replat of part of Hilltop Manor and Hilltop Manor Second, Wichita, Sedgwick County, Kansas, known as 1334 S. Bluffview, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-106

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: The West One Half of the West One Acre of the East Two Acres of the North Seven One-Half Acres of the Northwest Quarter of the Northwest Quarter of Section 29, Township 28 South, Range One East of the Sixth P.M., Sedgwick County, Kansas, Wichita, Sedgwick County, Kansas, known as 839 W. 55th St South, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-107

A Resolution fixing a time and place and providing for Notice of Hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 and 3 on Guthrie Avenue, now Hood, River Bend Addition, Wichita, Sedgwick County, Kansas, known as 2394 N. Hood, may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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2008 BLOCK GRANT 2008 COMMUNITY SERVICES BLOCK GRANT APPLICATION.

Agenda Item No. 13.

(CAPs) throughout the state. The City of Wichita has been a CAP and received CSBG funds since the mid-1970's. The Career Development Division of the Human Resources Department administers the CSBG program locally.

An annual application is required for receipt of CSBG funds. Activities in the application include the prescription drug component of Project Access, support of the Neighborhood City Halls, employment services, summer youth enrichment and recreation programs for children from low-income neighborhoods, and neighborhood clean-ups. The City has been notified that Wichita's official federal grant The Community Services Block Grant (CSBG) is a federal program targeted to the needs of the low-income. Funds are awarded by formula to Community Action Programs amount is \$1,026,531, which is a \$36,173 increase over its 2007 allocation.

No general operating funds from the City's budget are obligated by the application. Attached is a projection of program expenditures.

The programs supported by CSBG funds will: (1) support a dynamic core area and vibrant neighborhoods through continued revitalization of the Core Area (neighborhood clean-ups); (2) promote economic vitality and affordable living by sustaining the affordable living of the clients served (employment services); (3) enhance the quality of life of clients served (summer youth enrichment programs, Project Access, Neighborhood Centers, and homeless services)

The CSBG Review Committee met on February 5, 2008 to consider the Application and recommends approval by the City Council.

Motion----carried Brewer moved that the 2008 CSBG application be approved and the necessary signatures authorized. Motion carried 7 to 0.

201 N. HILLISDE SALE OF REMNANT OF 201 NORTH HILLSIDE. (DISTRICT II)

Agenda Item No. 14.

The City acquired 201 north Hillside (northwest corner of Hillside and First Street) as part of the Hillside Improvement Project. The project required the east 30 feet of the parcel and the removal of all improvements. The remaining parcel has about 5,250 square feet. The City Council declared the parcel surplus on November 7, 2007. The property has been advertised on the Internet and in mailings to adjacent owners.

The owner of 145 North Hillside has submitted on offer and redevelopment plan for the parcel. He has offered \$9,786 (\$1.86 per square foot for the site). He intends to improve the parcel and utilize it for additional parking for his existing business.

The City will receive cash consideration for the sale of the property, less any marketing costs. In addition, the sale of this property to a private party will place additional value into the tax base and relieve the City of any maintenance costs.

The sale and redevelopment of this property will support a dynamic core area and vibrant neighborhood.

The Law Department has approved the contracts as to form.

Motion----carried Brewer moved that the City Council approve the Real Estate Purchase Contracts and authorize all necessary signatures. Motion carried 7 to 0.

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FIDELITY BANK

FIDELITY BANK RESOLUTIONS.

Agenda Item No. 15.

The City utilizes Fidelity Bank to process and service Neighborhood Improvement Revolving Loan program transactions. This program provides loan assistance for the purposes of historic preservation, rehabilitation and restoration, as well as rehabilitation of owner-occupied and rental homes.

Authorized staff has changed requiring update of the authorizing resolutions related to the accounts held with Fidelity bank. The authorizing resolutions delegate individual authority with respect to specific banking transactions to ensure the proper segregation of duties and adequate internal controls.

Banking fees associated with this program are borne by the loan participants.

This action impacts the Economic Vitality/Affordable Living and Internal Perspectives through the continued services provided by Fidelity Bank and facilitation of transactions related to the Neighborhood Improvement Revolving Loan program.

The resolutions have been approved as to form by the Law Department.

Motion----carried Brewer moved that the City Council adopt the resolutions updating the list of individuals authorized to execute transactions with Fidelity Bank and authorize the necessary signatures. Motion carried 7 to 0.

RESOLUTION NO. 08-108

A Resolution relating to the selection of Fidelity Bank, as banking services provider and updating authorizations for the preparation, execution and delivery of necessary agreements in connection therewith, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer

FEDERAL CERTIF

FEDERAL ANNUAL CERTIFICATION REPORT.

Agenda Item No. 16.

The Wichita Police Department has utilized the Narcotic Seizure Fund for approximately a decade to fund various Police operations. The Narcotic Seizure Fund consists of monies from federal, state, and other agencies obtained as a result of investigations into illegal enterprises such as the possession and sale of narcotics. After the judicial process is completed, the funds are awarded to the Department. The Wichita Police Department adheres to stringent state and federal guidelines in accounting for and using the Narcotic seizure funds.

By using these funds for expenses such as undercover vehicle maintenance, training Department personnel, and purchase of safety and operational equipment, the Police Department has been able to effectively address the various crimes which impact our city, particularly drug and moral violations.

Each year, the City is required to submit a Federal Annual Certification Report, which outlines federal seizure revenue and expenditures for the prior year.

As of December 31, 2007 the Federal Narcotic Seizure Fund totaled \$150,107.75

As a prerequisite to the approval of any equitable sharing request, the City must submit the Federal Annual Certification Report within 60 days after the close of the fiscal year.

Motion----carried Brewer moved to authorize the necessary signatures for the Federal Annual Certification Report. Motion carried 7 to 0.

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CHENEY REPAIRS CHENEY STRAINER REPAIRS.

Agenda Item No. 17.

Cheney Dam and Reservoir have been providing the City of Wichita with water since 1965. The strainers for the dam and reservoir can each process up to 30 million gallons of raw water per day. These strainers aid in the protection of the pumps and transmission lines that carry water from Cheney Reservoir to the Water Treatment Plant in Wichita.

In 1997, the raw water strainers were evaluated and their need for repair was presented to City Staff. Extensive repairs were deferred at that time, as it was estimated that the strainers were capable of lasting 8-to-10 years in their present condition.

In December 2007, Utility Contractors was hired to remove one strainer and ship it to the original manufacturer, S.P. Kinney in Carnegie, Pennsylvania. The strainer has been evaluated. It has significant deterioration and is in need of extensive reconstruction. It is assumed that the other strainer is in the same, perhaps worse, condition.

The estimated cost to repair and rehabilitate the two strainers is \$250,000. Funding for this project was approved in the 2008-2009 Adopted CIP as CIP W-1398, Cheney Pump Station Strainers. The first year's funding of \$125,000 was designated in the 2007 CIP, with the remaining \$125,000 to be used in 2008. Funds will be provided by Water Utility revenues and reserves, and/or a future revenue bond issue.

The project will help ensure efficient infrastructure by assisting in the maintenance of facilities needed to provide reliable, compliant and secure utilities.

The Law Department has approved the Resolution as to form.

Motion----carried Brewer moved that the project expenditures be approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 08-122

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water utilities owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$250,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

VACANT LAND

SURPLUS OF VACANT LAND AT THE SOUTHWEST CORNER OF EAST 9TH AND VOLUTSIA. (DISTRICT I)

Agenda Item No. 18.

The property under consideration is a vacant lot located in a residential area, specifically at the southwest corner of 9th Street and Volutsia. It is zoned for single family use.

All City departments have been notified and do not for see a need to retain ownership of the property for future use. The property will first be made available to the non-profit community housing development organizations prior to putting it on the open market.

The City would no longer be responsible for the maintenance of the lot. A non-profit community housing organization would assume ownership for the purpose of providing housing to qualifying applicants. There would be a cash consideration if the property sold on the open market. The surplus and sale of this property to a private party will place additional value into the tax base and the City.

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To promote economic vitality and affordable living.

Motion----carried Brewer moved that the property be declared as surplus and designate it as available for sale to the general public. Motion carried 7 to 0.

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GRANT

GRANT APPLICATION FOR KANSAS EMERGENCY SHELTER GRANT FUNDS.

Agenda Item No. 19.

The State of Kansas receives Emergency Shelter Grant (ESG) funds under the McKinney-Vento Homeless Assistance Act. These funds are awarded to local government agencies throughout the state on behalf of homeless service providers. Awards are based on statewide competition. In the past, the City of Wichita has applied for and received emergency shelter grants from the Kansas state program on behalf of local providers, in addition to the City's ESG direct allocation from the United States Department of Housing and Urban Development (HUD).

The Kansas Housing Resources Corporation (KHRC) has issued a statewide "Application for a 2008 Kansas Emergency Shelter Grant (KESGP)". Seven homeless service providers in Wichita have submitted requests to the City for the 2008 KESGP application, as detailed below. These projects will be evaluated by the KHRC for funding awards, against projects submitted by other local government agencies in the state.

The City of Wichita grant application includes funds for the following agencies and activities:

- 1. Catholic Charities Anthony Family Shelter \$22,000 is requested for shelter operations and case management services.
- 2. Center of Hope \$8,800 is requested for homeless prevention (assistance with rent).
- 3. Inter-Faith Inn \$32,670 is requested for shelter operations and case management services.
- 4. Salvation Army Emergency Lodge \$25,000 is requested for shelter operations.
- 5. Ti'Wiconi Safe Haven \$15,895 is requested for shelter operations and case management services.
- 6. United Methodist Open Door Drop-In Center \$11,728 is requested to purchase equipment, and pay for one part time position and shelter supplies.
- 7. YWCA \$5,000 is requested for shelter operations.
- 8. City of Wichita The City is allowed up to 2.5% for administration of the grant. The amount received for administration will be determined by the amount awarded to the City.

Enhance the Quality of Life and Provide Economic Vitality and Affordable Living.

The total amount of the request is \$121,093. Each of the requesting agencies has committed to providing the required matching funds or volunteer hours.

If the State approves all or parts of this application, individual contracts will be developed for the agencies based on the State's decision.

Motion----carried Brewer moved that the City Council approve the application for Kansas Emergency Shelter Grant funds, and authorize necessary signatures. Motion carried 7 to 0.

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WATER AND SEWER WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2008A.

Agenda Item No. 20.

The Water Utilities have undertaken major capital efforts, beyond the normal level of capital expenditures, for long-term (50-year) service extensions, most notably in the water supply plan and new sewage treatment facilities. In addition, some substantial rehabilitation projects must be accomplished. Rate increases for the utilities are driven, in part, by capital costs.

As Water and Sewer projects have been initiated, the City Council has adopted resolutions authorizing various system improvements and the issuance of revenue bonds. Additionally, notices of the Council's intent to carry out the improvements and issue the revenue bonds have been published in the City's official newspaper.

The Water Utilities have been drawing down cash reserves, in anticipation of the issuance of revenue bonds, in order to fund the costs of improvement projects that were previously authorized for bond financing. The Water Utilities wish to proceed with the sale of revenue bonds at this time, in an amount not to exceed \$29,460,000, to permanently finance a portion of project costs incurred to date and reimburse prior cash reserve expenditures.

The public sale of the bonds is scheduled for 10:00 a.m. CST on April 1, 2008 at which time the bids will be opened and the City Council will award the sale of bonds to the bidder whose proposed interest rates result in the lowest overall cost to the City.

The proceeds from the proposed bond sale will reimburse prior cash reserve expenditures. The debt service payments associated with the bonds will be funded entirely from net revenues derived from operations of the City's Water Utilities. The Series 2008A bonds will be callable in 2018 with a 1% call premium.

The City of Wichita awards the sale of bonds to the bidder with the lowest true interest cost, or "TIC". The TIC is the rate that will discount all future cash payments so that the sum of their present value will equal the bond proceeds. Further, using the TIC calculation can potentially result in the City saving money because the TIC does not ignore the timing of interest payments.

The permanent financing of capital costs helps to ensure efficient infrastructure through construction efforts providing reliable, compliant and secure utilities. The Internal Perspective is also impacted as a result of the permanent financing of capital improvements and by offering these debt obligations through competitive sale.

The Law Department has approved the Resolution authorizing the sale of the bonds and directing the distribution of the Official Notice of Sale, as prepared by the City's Bond Counsel, Kutak Rock, LLP.

Motion----carried Brewer moved that the Resolution be adopted and City staff directed to distribute the Official Notice of Sale and Preliminary Official Statement upon completion. Motion carried 7 to 0.

RESOLUTION NO. 08-109

A Resolution of the City of Wichita, Kansas, authorizing and providing for a public sale of water and Sewer Utility Revenue bonds, and providing for the giving of notice of such public sale, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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PLAYGROUND

PLAYGROUND REHABILITATION AND DEVELOPMENT. (DISTRICTS III, V, AND VI)

Agenda Item No. 21.

The 2007 Park Capital Improvement Program (CIP) to rehabilitate park playgrounds at various locations was approved by City Council on December 19, 2006. The following sites were identified for renovation and equipment replacement in 2007: West Millbrook, O. J. Watson, Buffalo, and Sycamore Parks. Sycamore Park and O. J. Watson playground improvements have been completed.

Beginning 2007, the CIP projects resolutions for with multiple sites were bonded at the site improvement level. However, during the Request for Proposal process, the original resolutions did not allow for improvements that may exceed the individual bonded amount but not the total CIP project amount. When the bid exceeds the bonded amount, staff is then required to amend the project for each occurrence. In an effort to curtail rework for Council and staff, the CIP project will continue to be tracked at the site improvement level, to insure compliance, but bonded at the project level.

The bonding resolutions for the 2007 Park CIP playground renovation were drafted and approved as follows: \$45,000 for West Millbrook Park; \$25,000 for Sycamore Park; \$10,000 for O.J. Watson Park; and \$120,000 for Buffalo Park. However bids for one of the projects exceeded the bonding resolution. The attached resolution rescinds the individual resolutions and replaces it with a bonding resolution for the total project amount of \$200,000.

The 2007 Park CIP includes \$200,000 for playground renovation. The funding source is general obligation bonds.

Playground improvements will help to support vibrant neighborhoods and will increase a sense of community, neighborhood involvement and satisfaction.

The Law Department has approved the bonding resolution as to form.

Motion----carried Brewer moved that the City Council adopt the bonding resolution and authorize all necessary signatures. Motion carried 7 to 0.

RESOLUTION NO. 08-110

A Resolution authorizing the issuance of bonds by the City of Wichita at large for the renovation and replacement of playground equipment, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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ORDINANCES SECOND READING ORDINANCES: (FIRST READ FEBRUARY 12, 2008)

a. <u>Tax Exemption Request, ZTM, Inc.</u> (District III)

ORDINANCE NO. 47-768

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Julius Properties, LP and ZTM, Inc., so exempted. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

b. <u>Improvement to the Intersection of Central and Tyler.</u> (District V)

ORDINANCE NO. 47-769

An ordinance declaring the intersection of Central and Tyler (472-84655) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

c. <u>Public Hearing and Tax Exemption Request, Triumph Structures 2005 Expansion.</u> (District IV)

ORDINANCE NO. 47-771

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to article 11, section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Triumph Structures Wichita, Inc. formerly known as Excel Manufacturing, Inc. so exempted. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

d. Public Hearing and Tax Exemption Request, Triumph Structures 2006 Expansion. (District IV)

ORDINANCE NO. 47-772

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Triumph Structures - Wichita, Inc. formerly known as Excel Manufacturing, Inc. so exempted. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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e. <u>Public Hearing and Tax Exemption Request, Globe Engineering Co., Inc.</u> (District IV)

ORDINANCE NO. 47-773

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Globe Engineering Company, Inc. so exempted. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

f. Public Hearing and Tax Exemption Request, Fiber Dynamics, Inc. (District IV)

ORDINANCE NO. 47-774

An ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of TTR, LLC/Fiber Dynamics, Inc., so exempted. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

g. <u>DER2007-00013 – Amendment to Article III, Section III-C.2(1)(b) of the Wichita-Sedgwick County Unified Zoning Code (UZC) dealing with off-site signage in non-residential Community Unit Plans.</u>

ORDINANCE NO. 47-777

An ordinance amending section iii-c.2.b(1) of the Wichita-Sedgwick county unified zoning code (April 19, 2001 edition), as adopted by reference in City of Wichita Code Section 28.04.010, as amended, permitting off-site signage on property located in nonresidential community unit plans. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

h. ZON2007-00064 – City zoning on un-zoned property to "LC" Limited Commercial.

Generally located on the north side of Central Avenue, just east of the Big Ditch (Wichita-Valley Center Floodway). (District V)

ORDINANCE NO. 47-778

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended. Brewer moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0: Fearey, Gray, Longwell, Schlapp, Skelton, Williams and Brewer.

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PLANNING AGENDA

Motion----carried Brewer moved that Planning Consent items 23 through 30 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

SUB2003-37

SUB 2003-37-PLAT OF STOCKYARD INDUSTRIAL PARK ADDITION LOCATED ON THE NORTH SIDE OF 21ST STREET AND EAST OF BROADWAY. (DISTRICT VI)

Agenda Item No. 23.

Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of one lot on 48.98 acres, is located within Wichita's city limits.

City sewer and water services are available to serve the site. A Petition, 100 percent, and a Certificate of Petition have been submitted for paving improvements. In order to guarantee the closure of any driveway openings located in an area of complete access control or that exceed the number of allowed openings, a Drive Approach Closure Certificate has been submitted.

The Planning Commission has approved the plat, subject to conditions.

Ensure Efficient Infrastructure.

The Certificate of Petition and Drive Approach Certificate will be recorded with the Register of Deeds.

Motion----carried Brewer moved to approve the documents and plat, authorize the necessary signatures and adopt the Resolution. Motion carried 7 to 0.

RESOLUTION NO. 08-111

Resolution of findings of advisability and Resolution authorizing construction of pavement on the south of 26th Street North, from the west line of Lot 1, Block 1, Stockyard Industrial Park Addition to the east line of said Lot 1, adjacent to 25th Street North (north of 21st, east of Broadway) 472-84677, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

SUB 2007-49

SUB 2007-49-PLAT OF PRAIRIE POND PLAZA SECOND, LOCATED ON THE NORTHEAST CORNER OF 143RD STREET EAST AND KELLOGG. (DISTRICT II)

Agenda Item No. 24.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This site, consisting of seven lots on 16.92 acres, is a replat of Prairie Pond Plaza Addition. The Prairie Pond Plaza Community Unit Plan (CUP 2003-65, DP-273) was also approved for this site. A Notice of Community Unit Plan has been submitted identifying the approved CUP and its special conditions for development on this property.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sanitary sewer, water, paving and temporary left-turn lane improvements. A Restrictive Covenant was submitted to provide for the ownership and maintenance of the proposed reserves. In accordance with the CUP approval, a Declaration of Cross-lot Access and Easement has been submitted to assure internal vehicular

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movement between the lots. A Temporary Easement has been submitted to cover the existing sewer line to be relocated, unless the sewer line is relocated before the plat is recorded.

The Planning Commission has approved the plat, subject to conditions.

Ensure Efficient Infrastructure.

The Certificate of Petition, Notice of Community Unit Plan, Restrictive Covenant and Temporary Easement will be recorded with the Register of Deeds.

Motion----carried Brewer moved to approve the documents and plat, authorize the necessary signatures and adopt the Resolutions. Motion carried 7 to 0.

RESOLUTION NO. 08-112

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90372 (north of Kellogg, east of 143rd St. East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-113

Resolution of findings of advisability and Resolution authorizing construction of Lateral 410, Four Mile Creek Sewer (north of Kellogg, east of 143rd St. East) 468-84493, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-114

Resolution of findings of advisability and Resolution authorizing construction of Lateral 411, Four Mile Creek Sewer (north of Kellogg, east of 143rd St. East) 468-84494, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-115

Resolution of findings of advisability and Resolution authorizing construction of pavement improvements to include dual southbound left turn lanes from 143rd St. East to Kellogg, dual left turn lanes from Kellogg to 143rd St. East, exclusive southbound right turn lane from 143rd St East to Kellogg, exclusive westbound right turn lane from Kellogg to 143rd St. east and traffic signal modifications at 143rd St. East and Kellogg (north of Kellogg east of 143rd St. east) 472-84685, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-116

Resolution of findings of advisability and Resolution authorizing construction of pavement on Kellogg Dr. from the east line of the plat to the west line of the plat (north of Kellogg, east of 143rd St. East) 472-84686, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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RESOLUTION NO. 08-117

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Resolution of findings of advisability and Resolution authorizing construction of a temporary left turn lane on 143rd St. East to serve Prairie Pond Plaza 2nd Addition (north of Kellogg, east of 143rd St. East) 472-84687, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

SUB 2005-58

SUB 2005-58-PLAT OF FOLIAGE CENTER ADDITION LOCATED ON THE NORTHWEST CORNER OF 13TH STREET NORTH AND WEBB ROAD. (DISTRICT II)

Agenda Item No. 25.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of one lot on 7.14 acres, is located within Wichita's city limits. A portion of the site has been approved for a zone change (ZON 2005-06) from "SF-5" Single-Family Residential District to "LC" Limited Commercial District. The Foliage Center Commercial CUP (CUP 2005-09, DP-282) was also approved for this site. A Notice of Community Unit Plan has been submitted identifying the approved CUP and its special conditions for development on this property.

City water services are available to serve the site. Petitions, 100 percent, and a Certificate of Petitions have been submitted for drainage and left-turn lane improvements. As requested by City Engineering, an off-site Drainage Agreement has been submitted. This site is located within the noise impact area of McConnell Air Force Base and is subject to considerable noise from the operation of aircraft. A Restrictive Covenant and an Avigational Easement have been submitted to assure that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on the site.

The Planning Commission has approved the plat, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

The Certificate of Petition, Drainage Agreement, Restrictive Covenant and Avigational Easement will be recorded with the Register of Deeds by the applicant.

Motion----carried Brewer moved to approve the documents and plat, authorize the necessary signatures, adopt the Resolutions and approve first reading of the Ordinance. Motion carried 7 to 0.

RESOLUTION NO. 08-118

Resolution of findings of advisability and Resolution authorizing construction of improving Storm Water Sewer No. 643 (north of 13th, west of Webb) 468-84498, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

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RESOLUTION NO. 08-119

Resolution of findings of advisability and Resolution authorizing construction of a left turn lane on 13th Street for eastbound traffic into a major entrance (north of 13th, west of Webb) 472-84688, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

RESOLUTION NO. 08-120

Resolution of findings of advisability and Resolution authorizing construction of a left turn lane on Webb Road for northbound traffic into major entrances (north of 13th, wet of Webb) 472-84689, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended. Introduced and under the rules laid over.

SUB 2007-91

SUB 2007-91-PLAT OF ALLEN WILLIAMS ADDITION LOCATED SOUTH OF HARRY AND ON THE EAST SIDE OF HOOVER ROAD. (DISTRICT IV)

Agenda Item No. 26.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of one lot on 3.57 acres, is a replat of a portion of Utility Contractor's Fourth Addition along with the adjoining unplatted land to the south. This site is located within Wichita's city limits. A zone change (ZON 2007-51) from "SF-5" Single-Family Residential District to "LI" Limited Industrial District has been approved for the south portion of this site.

City water services are available to serve the site. A Petition, 100 percent, and a Certificate of Petition have been submitted for the extension of sanitary sewer. As requested by the County Surveyor, a 15-foot Drainage Dedication has been submitted. A Restrictive Covenant has been submitted to permit cross-lot access for the benefit of the abutting property to the south. This site is located within the noise impact area of Mid-Continent Airport; therefore, a Restrictive Covenant and an Avigational Easement have been submitted. In order to guarantee the closure of any driveway openings located in an area of complete access control or that exceed the number of allowed openings, a Drive Approach Closure Certificate has been submitted.

The Planning Commission has approved the plat, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

Ensure Efficient Infrastructure.

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The Certificate of Petition, Drainage Dedication, Restrictive Covenants, Avigational Easement and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion----carried Brewer moved to approve the documents and plat, authorize the necessary signatures; adopt the Resolution, and approve first reading of the Ordinance. Motion carried 7 to 0.

RESOLUTION NO. 08-121

Resolution of findings of advisability and Resolution authorizing construction of Lateral 528, Southwest Interceptor Sewer (south of Harry, east of Hoover) 468-84495, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Fearey, Gray, Longwell, Schlapp, Skelton, Williams, and Brewer.

ORDINANCE

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by section 28.04.010, as amended. Introduced and under the rules laid over.

SUB 2007-113

SUB 2007-113-PLAT OF HUSKERHAWK ADDITION LOCATED NORTH OF 69TH STREET NORTH AND ON THE EAST SIDE OF BROADWAY. (COUNTY)

Agenda Item No. 27.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (14-0)

This site, consisting of one lot on 13.83 acres, is located within three miles of Wichita's city limits and is zoned "LI" Limited Industrial District.

The site is currently located within the Sedgwick County Rural Water District Number 2. Since sanitary sewer is unavailable to serve this property, County Code Enforcement has approved the continued use of on-site sewerage facilities.

The Planning Commission has approved the plat, subject to conditions.

Ensure Efficient Infrastructure.

Motion----carried Brewer moved to approve the plat and authorize the necessary signatures. Motion carried 7 to 0.

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VAC2007-00026

VAC2007-00026- REQUEST TO VACATE A PORTION OF A PLATTED SETBACK.
GENERALLY LOCATED WEST OF MERIDIAN AVENUE, ON THE SOUTH SIDE OF
ESTHNER AVENUE. (DISTRICT IV)

Agenda Item No. 28.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant proposes to build an addition onto his existing building. The addition will encroach approximately 9 feet into the platted 35 foot front setback, reducing a portion of it to 26 feet. The Unified Zoning Code's (UZC's) minimum front setback for the "LI" zoning district is 20 feet. The proposed encroachment will not exceed the current UZC's "LI" zoning standard. There are no platted easements, utilities, manholes, water or sewer lines in the setback. The Meridian Industrial Park Addition was recorded with the Register of Deeds on May 13, 1975

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion----carried Brewer moved to approve the Vacation Order and authorize the necessary signatures. Motion carried 7 to 0.

VAC2006-00034

VAC2006-00034-REQUEST TO VACATE A PORTION OF A PLATTED ALLEY. GENERALLY LOCATED NORTH OF 9TH STREET, ON THE WEST SIDE OF MADISON AVENUE. (DISTRICT I)

Agenda Item No. 29.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting vacation of the portion of the platted 10 foot wide alley, that abuts Lots 7, 8, 9, 10, 11, and 35 (Breckenridge Avenue, now Madison Avenue side), Solomon's 2nd Addition. This is the east portion of the east-west alley that runs from Madison Avenue to Ash Avenue. This alley is intersected by a north-south alley that runs from 10th Street to its intersection with the subject east-west alley. The vacation request will not result in a dead end alley, as the west portion of the east-west alley remains open. There is Westar equipment, a manhole and sewer line in this portion of the alley, but no water lines. The vacated platted alley right-of-way will be retained as a 10 foot wide utility easement. The Solomon's 2nd Addition was recorded with the Register of Deeds on April 22, 1910.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order and a utility easement dedicated by separate instrument will be recorded with the Register of Deeds.

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Motion--Brewer moved that the City Council follow the recommendation of the Metropolitan

Area Planning Commission and approve the Vacation Order, and authorize the necessary

Motion carried 7 to 0. --carried

VAC2007-00046 VAC2007-00046-REQUEST TO VACATE UTILITY EASEMENTS DEDICATED BY SEPARATE INSTRUMENTS. GENERALLY LOCATED SOUTH OF OSIE STREET, ON THE

WEST SIDE OF ROCK ROAD. (DISTRICT II)

Agenda Item No. 30.

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

The applicant is requesting consideration for the vacation of the 10 foot, 8 foot and 2 foot utility easements dedicated by separate instruments (Film 244, Pages 411 & 412 and Film 340, Page 1364). located along the common lot line of Lots 3 and 4, Block 4, the Levitt Industrial Park Addition. The applicant proposes to connect the existing buildings with an addition. There is a manhole in the western end of the easements, but no other utilities; an easement will remain around the manhole. The Levitt Industrial Park addition was recorded with the Register of Deeds on March 28, 1966.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Ensure efficient infrastructure.

A certified copy of the Vacation Order and a utility easement dedicated by separate instrument will be recorded with the Register of Deeds.

Brewer moved that the City Council follow the recommendation of the Metropolitan Area Planning

Commission and approve the Vacation Order, and authorize the necessary signatures.

Motion carried 7 to 0. --carried

AIRPORT AGENDA

Brewer moved that Airport Consent items 31 through 33 be approved in accordance with --carried

the recommended action shown thereon. Motion carried 7 to 0.

AIRPORT ROCKWELL COLLINS, INC. - SA NO. 5.

Agenda Item No. 31.

Approve the Supplemental Agreement.

Rockwell Collins currently occupies 9,629 sq.ft. in this office/warehouse building located at 1991 Airport Road on Wichita Mid-Continent Airport. They have leased this space since March 1, 1993. They have requested a contract extension through December 31, 2012, with two, five-year renewal options.

The tenant occupies 9,629 square feet of the subject building, which has a total area of approximately 12,135 square feet. Airparts occupies the remainder of the facility. An appraisal has been conducted by the Martens Companies to determine the fair market rental value of the facility.

Based upon the appraisal, total annual rent during the first year will be \$38,516. During the remaining lease term of the agreement through December 31, 2012, facility rent will remain the same and land rent

Motion--

Motion--

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will escalate at the rate of 5% each year.

The Airport's contribution to the economic vitality of Wichita is promoted through I initiating agreements which allow the Airport to continue its operation on a self-sustaining basis.

The Supplemental Agreement has been approved as to form by the Department of Law.

Motion----carried Brewer moved that the Wichita Airport Authority approve the Supplemental Agreement; and authorize the necessary signatures. Motion carried 7 to 0.

AIRPORT

AIRPARTS COMPANY - SA NO. 12.

Agenda Item No. 32.

Recommendation: Approve the Supplemental Agreement.

Airparts is desirous of extending its current agreement for one additional year for the use of an office/warehouse facility located at 1991 Airport Road on Wichita Mid-Continent Airport. Airparts has occupied the space since January 1, 1996.

Airparts occupies 2,504 square feet of the subject building, which has a total area of approximately 12,135 square feet. Rockwell Collins occupies the remainder of the facility. An appraisal has been conducted by the Martens Companies to determine the fair market rental value of this facility.

Annual revenue to the Airport for use of the 2,504 sq.ft. will be \$15,024.

The Airport's contribution to the economic vitality of Wichita is promoted through initiating agreements which allow the Airport to continue its operation on a self-sustaining basis.

The Supplemental Agreement has been approved as to form by the Department of Law.

Motion----carried Brewer moved that the Wichita Airport Authority approve the Supplemental Agreement, and authorize the necessary signatures. Motion carried 7 to 0.

NORTH AIR

NORTH AIR CARGO BUILDING, GOSSEN LIVINGSTON ASSOCIATES SUPPLEMENTAL AGREEMENT NO. 1, MID-CONTINENT AIRPORT.

Agenda Item No. 33.

Recommendation: Approve the supplemental agreement.

On December 13, 2005 the Wichita Airport Authority approved the capital project to design and construct a new air cargo facility with a budget of \$8,265,000. At the same time, an agreement with Gossen Livingston Associates was approved for \$335,611 for design and bid phase services.

The construction project has been bid and awarded, and a supplemental agreement has been prepared to authorize construction-related services and to slightly reduce the original design fees.

The cost of the construction-related services is a not-to-exceed amount of \$173,270. The cost of the design and bid phase service fees has been reduced by \$10,527. These project costs are covered within the current project budget.

The Airport's contribution to the economic vitality of Wichita is promoted through infrastructure improvements to allow tenant development.

The supplemental agreement has been approved by the Law Department as to form.

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Motion----carried Brewer moved that the Wichita Airport Authority approve Supplemental Agreement No. 1 with Gossen Livingston Associates, and authorize the necessary signatures. Motion carried 7 to 0.

CITY COUNCIL

BOARD APPTS BOARD APPOINTMENTS.

No appointments were made.

Motion--carried Brewer moved that the City Council be adjourned. Motion carried 7 to 0.

ADJOURNMENT The City Council meeting adjourned at 9:46 a.m.

Respectfully submitted,

Janis Edwards Deputy City Clerk

Workshop followed in the 10th Floor MAPC Conference Room